

DIVISION OF APPRENTICESHIP STANDARDS
INITIAL STATEMENT OF REASONS
FOR
PROPOSED ACTION TO ADOPT
CALIFORNIA CODE OF REGULATIONS, TITLE 8, CHAPTER 2, PART IV,
SECTIONS 290.0, 290.1, 291.0, 291.1, 291.2, 291.3, 291.4, 291.5, 292.0, 293.0, 294.0, and 295.0.

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INITIAL STATEMENT OF REASONS

Labor Code section 3099 was added by the Legislature to create a new program of electrician certification. The Division of Apprenticeship Standards was directed to establish regulations to enforce the section. These regulations are put forth in response to that directive.

PURPOSE AND RATIONALE:

Section 290.0 implements Labor Code section 3099 by describing the scope and application of this set of implementing regulations as being the establishment of certification for electricians who have the training and skill to safely and competently perform work for electrical contractors. This section is reasonably necessary to specify the scope of certification and who may apply.

Section 290.1 implements Labor Code section 3099 by defining terms employed within this set of implementing regulations. These regulations use some technical terms relating to the electrical industry. This section is reasonably necessary to define the scope of technical terms denoting various types of electricians, provide references to applicable law, and enable shortened forms of terms and titles to be employed throughout this set of implementing regulations.

Section 290.1(a) defines general electrician for purposes of implementing electrician certification under Labor Code section 3099 for the class of general electricians.

Section 290.1(b) defines residential electrician for purposes of implementing electrician certification under Labor Code section 3099 for the class of residential electricians.

Section 290.1(c) defines voice data video technician for purposes of implementing electrician certification under Labor Code section 3099 for the class of voice data video technician electricians.

Section 290.1(d) defines fire / life safety technician for purposes of implementing electrician certification under Labor Code section 3099 for the class of fire / life safety technician electricians.

Section 290.1(e) defines nonresidential lighting technician for purposes of implementing electrician certification under Labor Code section 3099 for the class of nonresidential lighting technician electricians.

Section 290.1(f) defines DAS as the Division of Apprenticeship Standards within this set of implementing regulations. This section will enable a shortened form for Division of Apprenticeship Standards to be employed throughout this set of implementing regulations.

Section 290.1(g) defines Chief DAS as the Chief of the Division of Apprenticeship Standards within this set of implementing regulations.

Section 290.1(h) defines Director as the Director of Industrial Relations within this set of implementing regulations.

Section 290.1(i) defines the California Electrical Code as California Code of Regulations, Title 24, Part 3, within this set of implementing regulations. This section is reasonably necessary to provide a reference to the applicable law and enable a popular title and shortened form for California Code of Regulations, Title 24, Part 3, to be employed throughout this set of implementing regulations.

Section 290.1(j) defines the National Electrical Code as the National Electrical Code 1999, National Fire Protection Association, Quincy, MA 02269 within this set of implementing regulations. This section is reasonably necessary to provide a reference to this document and enable a popular title and shortened form for the National Electrical Code 1999, National Fire Protection Association, Quincy, MA 02269 to be employed throughout this set of implementing regulations.

Section 291.0 implements Labor Code section 3099 by describing the five types of electrician certification available: General Electrician, Residential Electrician, Voice Data Video Technician, Fire/Life Safety Technician and Nonresidential Lighting Technician. This section is reasonably necessary to specify what types of electrician certification are available.

Section 291.1 implements Labor Code section 3099 by describing the requirements for certification -- a written examination and work experience -- and the requirements and procedure for establishing the requisite experience. This section is reasonably necessary to specify the requirements for certification, and the requirements and procedure for establishing the requisite experience.

Section 291.1(a) implements Labor Code section 3099 by describing the requisite work experience for the various types of electrician certification and specifying the types of work experience which may qualify. This section is reasonably necessary to specify the requisite experience for the various types of electrician certification.

Section 291.1(b) implements Labor Code section 3099 by describing the circumstances under which the Chief DAS may deem an applicant who is a licensed electrician in another state to have the requisite experience for certification. This section is reasonably necessary to specify the circumstances under which the Chief DAS may deem an applicant who is a licensed electrician in another state to have the requisite experience for certification.

Section 291.1(c) implements Labor Code section 3099 by describing the circumstances under which an applicant with other experience, including military experience, may receive credit for some or all of the requisite experience for certification. This section is reasonably necessary to

specify the circumstances under which an applicant with other experience, including military experience, may receive credit for some or all of the requisite experience for certification.

Section 291.2 implements Labor Code section 3099 by describing how and where one applies for certification and examination and what information is required. This section is reasonably necessary to specify how one applies for certification and examination.

Section 291.2(a) describes the manner in which one submits an application for certification and examination.

Section 291.2(b) describes how one may obtain and where one must submit an application for certification and examination.

Section 291.2(c) describes the information that the applicant must provide on the application for certification and examination.

Section 291.2(d) describes the documents that the applicant must provide with the application for certification and examination.

Section 291.2(e) describes the procedure DAS follows to notify an applicant whether a submitted application is accepted for filing and for notifying an applicant about what information is required to complete the application. If an applicant has not received test results the application is deemed incomplete. Applicants who have not taken the certification examination will be advised of the next available test date.

Section 291.2(f) describes the timeline the DAS follows in making a determination on the certification application.

Section 291.3 implements Labor Code section 3099 by describing how the certification examination will be conducted. The test will be a written examination covering the California Electrical Code and related matters. It will be validated by an independent organization, and will be given at least once a year in both Northern and Southern California.

Section 291.3(a) describes the certification requirement of passing a written examination.

Section 291.3(b) describes how the certification examination shall be validated.

Section 291.3(c) describes the subject matter contents of the certification examination.

Section 291.3(d) describes how often and where the certification examination will be conducted.

Section 291.4 implements Labor Code section 3099 by describing the ability of an applicant to

retake the certification examination. This section is reasonably necessary to specify regarding an applicant's ability to retake the certification examination.

Section 291.5 describes the requirements for certification renewal and replacement of certification documentation. This section is reasonably necessary to specify the requirements for certification renewal and the consequences for failure to renew certification as required, and the requirements for replacement of certification documentation.

Section 291.5(a) describes the requirements for certification renewal and the consequences for failure to renew certification as required.

Section 291.5(b) implements Labor Code section 3099 by describing the requirements for replacement of certification documentation.

Section 292.0 specifies the fees for the various services of the certification program. This section is reasonably necessary to carry out the legislative mandate to establish fees necessary to implement the program, and to create a fund from such fees to defray the costs of this program to the Division.

Section 292.0(a) specifies the fee for initially applying for certification.

Section 292.0(b) specifies the fee for taking the certification examination.

Section 292.0(c) specifies the fee for renewal of certification.

Section 293.0 implements Labor Code section 3099 by describing the procedure and circumstances under which a certification may be denied, suspended, or revoked by the Division, and the procedure for an applicant or certified individual to appeal such actions. This section is reasonably necessary to specify the procedure and circumstances under which a certification may be denied, suspended, or revoked, and to specify appeal procedure for same.

Section 293.0(a) describes the procedure and circumstances under which certification may be denied by the Division where the applicant does not satisfy the requirements of the regulations and provides that notice of denial will be provided to the applicant.

Section 293.0(b) describes the procedure and circumstances under which a certification may be suspended or revoked by the Division (for example, where an applicant has committed gross negligence or fraud in the performance of certified activities).

Section 293.0(c) describes the procedure by which the Division must notify a certification holder of its intent to suspend or revoke certification.

Section 293.0(d) describes the procedure by which an applicant may appeal certification denial. This section provides that the Chief DAS shall rule on the appeal and may hold a hearing.

Section 293.0(e) describes the procedure by which a certified individual may appeal the Division's notice of intent to suspend or revoke certification to the Director. This section provides that the Director shall hold a hearing if one is requested.

Section 294.0 implements Labor Code section 3099 by describing how this statute will be enforced by the Division. This section is reasonably necessary to specify the penalty for falsely holding oneself out as a certified electrician, and to provide an enforcement mechanism for the electrician certification program as mandated by the Legislature.

Section 290.5 implements Labor Code section 3099 by describing a mechanism for public dissemination of information on certified electricians. This section is reasonably necessary to furnish public information on certified electricians, and will aid in the enforcement of the electrician certification program as mandated by the Legislature.

SPECIFIC TECHNOLOGIES OR EQUIPMENT: None of the proposed regulations mandates the use of specific technologies or equipment.

TECHNICAL, THEORETICAL, EMPIRICAL, OR OTHER STUDIES: The proposed regulations are based on a consideration of the following: California Electrician Certification Advisory Committee Minutes of April 10, 2000, June 19, 2000, July 25, 2000, August 22, 2000, October 3, 2000, and October 26, 2000; and, the Californians for Electricians Certification's "Can California Afford Uncertified Electricians?"

ALTERNATIVES: The Division has not formally considered alternatives to the proposed action. The public is invited to provide comments and suggestions regarding alternatives during the comment period. The proposed action is not expected to have an adverse impact on small business because the Division is establishing a certification program for electricians pursuant to which individuals may seek certification. Costs imposed on individuals seeking certification are set as necessary to fund the certification program, and are not significant. The Legislature has not yet prescribed deadlines by which individuals would be required to obtain certification to perform specified electrical work in California.